

REMARKS

After entry of this amendment, claims 1-9 are pending in the present application. Claims 12-18 are hereby cancelled. Claims 10 and 11 were previously cancelled. No new matter is added by this amendment. Reconsideration of the pending claims is respectfully requested.

In the Office Action, the Examiner has objected to claim 9 as allegedly containing informalities within the transitional phrase. The Examiner alleges “essentially consists of” should read “consists essentially of.” In order to advance prosecution, Applicant herein amends claim 9 as suggested by the Examiner. Accordingly, Applicant respectfully submits the objection is overcome and requests the Examiner withdraw the objection.

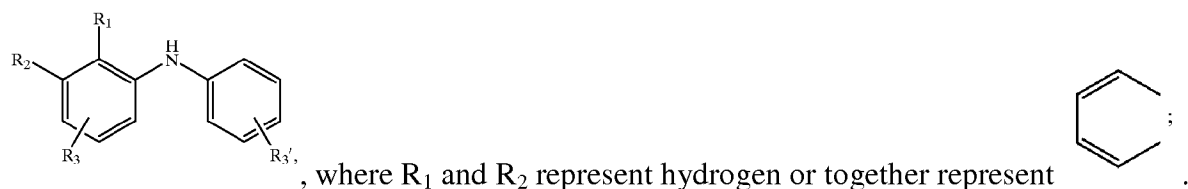
Claims 1, 2, 6-9 and 12 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Publication No. 2002/0065201 to *Ribeaud* et al. (hereinafter “*Ribeaud*”). Without conceding to the propriety of the rejection, Applicant respectfully submits the rejection is moot with respect to claim 12 because claim 12 is herein cancelled. Further, to properly establish anticipation under 35 U.S.C. § 102, the reference must teach each and every element of that claim. See MPEP §2131. In addition, “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” See *In re Wilson*, 424 F.2d 1382, 1385 (C.C.P.A. 1970). For these reasons, the rejection of claims 1, 2 and 6-9 is respectfully traversed and reconsideration is requested.

Independent claims 1 and 9 are allowable over *Ribeaud* in that each claim recites a combination of elements including, for example an “additive mixture” that includes “a) At least one compound” having the recited formula “(I)” and “b) At least one compound” having the recited formula “(II).” Independent claim 2 is allowable over *Ribeaud* in that the claim recites a

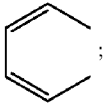
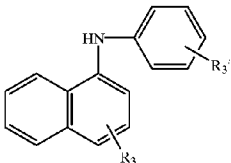
combination of elements including, for example an “additive mixture which essentially consists of a) At least one compound” having the recited formula “(I)” and “b) At least one compound” having the recited formula “(II’).” *Ribeaud* does not disclose, teach or even suggest these features of the claimed invention.

The Examiner alleges that *Ribeaud* discloses diphenyl antioxidants and that the diphenyl antioxidants of *Ribeaud* can be present in the composition as a mixture of two or more compounds defined by the formulae disclosed in *Ribeaud*, wherein the alkyl groups on the phenyl ring differ by their chain length. The Examiner cites to paragraph [0056] of *Ribeaud* to allegedly disclosed these features. See Office Action at page 3. The Examiner appears to be misinterpreting the disclosure of *Ribeaud* and therefore, Applicant respectfully submits these allegations are incorrect for the reasons set forth below.

Applicant asserts that *Ribeaud* does not disclose, teach or even suggest a mixture of a compound defined by formula 11 and a compound where R_1 and R_2 represent hydrogen, but only teaches a mixture of two compounds defined by formula 11. The teachings of *Ribeaud* are drawn to a composition comprising component c), which is an aromatic amine of the formula as disclosed in paragraphs [0016] and [0017] of *Ribeaud*. Specifically, the aromatic amine of component c) has the structure



Further, *Ribeaud* discloses in paragraphs [0047] and [0048], that when R₁ and R₂ together

represent  ; the compound has the structure referred to as formula 11 : .

Applicant asserts that paragraph [0056] of *Ribeaud* only discloses that component c) may be a mixture of two or more compounds defined by formula 11, wherein the alkyl groups on the phenyl ring differ by chain length. Contrary to the Examiner's position, *Ribeaud* does not disclose, teach or even suggest a mixture of a compound defined by formula 11 and a compound where R₁ and R₂ represent hydrogen, but only teaches a mixture of two compounds defined by formula 11.

Therefore, as discussed, Applicant respectfully submits that the Examiner misinterprets the teachings of paragraph [0056]. *Ribeaud* merely discloses a mixture of two compounds having formula 11. That is, *Ribeaud* does not disclose, teach or even suggest an “additive mixture” that includes “a) At least one compound” having the recited formula “(I)” and “b) At least one compound” having the recited formula “(II),” as recited by independent claims 1 and 9 or “an additive mixture that essentially consists of a) At least one compound” having the recited formula “(I’)” and “b) At least one compound” having the recited formula “(II’),” as recited by independent claim 2.

Accordingly, *Ribeaud* does not teach each and every element of independent claims 1 and 2, as required by 35 U.S.C. § 102, and the rejection based on 35 U.S.C. § 102(b) is improper. Therefore, Applicant respectfully submits that claim 1, and its dependent claims 6-8, claim 2 and

claim 9 are allowable over *Ribeaud* and requests the Examiner withdraw the rejection. As stated above, the rejection of claim 12 is moot as claim 12 is herein cancelled.

Claims 3-5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ribeaud*. The rejection is respectfully traversed and reconsideration is requested.

Claims 3-5 are allowable over *Ribeaud* in that each claim is dependent on claim 2 and therefore recites a combination of elements, including, for example an “additive mixture which essentially consists of a) At least one compound” having the recited formula “(I)” and “b) At least one compound” having the recited formula “(II).” As discussed above, *Ribeaud* does not disclose, teach or even suggest at least these features of the claimed invention. Because claims 3-5 depend from claim 2, claims 3-5 are allowable for at least these reasons and for the additional elements they recite.

Further, Applicant respectfully asserts that the presently claimed compositions are patentable over *Ribeaud* in that they yield superior and unexpected results. For example, as clearly shown in Table 1 on page 36 and Table 2 on page 37, the results from the application tests clearly show that the copper corrosion of the novel and non-obvious compositions of formulations 2, 3, 4 and 5 (Table 1) and novel and non-obvious compositions of formulations 2 and 3 (Table 2) is drastically and surprisingly reduced compared to the prior art compositions represented by formulation 1 in Tables 1 and 2. Therefore, Applicant respectfully asserts that the presently claimed compositions are not disclosed by *Ribeaud*.

Accordingly, *Ribeaud* does not disclose, teach or even suggest each and every element of claims 3-5 and therefore, the rejection based on 35 U.S.C. § 103(a) is improper. Therefore, Applicant respectfully submits that claims 3-5 are allowable over *Ribeaud* and requests the Examiner withdraw the rejection. Further, Applicant respectfully submits that *Ribeaud* does not

disclose, teach or even suggest the elements as recited in pending claims 1, 2 and 6-8 and that a forthcoming 35 U.S.C. § 103(a) on these claims would also be improper.

Claims 13-18 are rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over *Ribeaud*. Without conceding to the propriety of the rejection, Applicant respectfully submits the rejection is moot as claims 13-18 are herein cancelled. Accordingly, Applicant respectfully requests the Examiner withdraw the rejection of claims 13-18.

In view of the foregoing, the Applicant respectfully submits that claims 1-9 are both novel and non-obvious over *Ribeaud*. Therefore, the Applicant submits that the claims are in condition for allowance and respectfully requests such allowance.

The proper fee for a Petition to Revive an Unintentionally Abandoned Application is submitted herewith; thus, it is believed that no further fees are presently due. However, if necessary, the Commissioner is authorized to charge Deposit Account No. 08-2789 in the name of Howard & Howard Attorneys PLLC for any additional fees or to credit the account for any overpayment.

Respectfully submitted,

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